

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BRAINWAVE SCIENCE, INC., :  
Plaintiffs, : **PRELIMINARY INJUNCTION**  
- against - : 21-cv-4402 (BMC)  
:  
ARSHEE, INC., DR. LAWRENCE A. :  
FARWELL, DR. THIERRY MAISON, and :  
the BRAIN FINGERPRINTING :  
FOUNDATION, :  
:  
Defendants. :  
:  
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**COGAN**, District Judge.

This matter having come before the Court on the application of plaintiff Brainwave Science, Inc., for a preliminary injunction, and this Court having found that plaintiff has demonstrated a likelihood of success on the merits and of irreparable harm absent equitable relief, it is hereby ORDERED, ADJUDGED, AND DECREED, that defendants are hereby enjoined, pending the final disposition of this case, as follows:

1. Defendants must take any and all commercially-practicable actions to recall or replace any software containing plaintiff's "confidential or proprietary information" from third parties;
2. Defendants must not sell or transfer plaintiff's "confidential or proprietary information;"
3. Defendants must not use plaintiff's "confidential or proprietary information" in any software update or product demonstration; and,

4. Defendants must provide to plaintiff, at plaintiff's sole expense, a report from an independent third party confirming that any P300-related software demonstration, sale, update, or transfer by defendants does not include plaintiff's "confidential or proprietary information."

For the purposes of this preliminary injunction, "confidential or proprietary information" is defined as any portion of the program plaintiff originally submitted to Codequiry as its code.

**SO ORDERED.**

Digitally signed by Brian  
M. Cogan



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U.S.D.J.

Dated: Brooklyn, New York  
December 13, 2021